

PUBLIC SUBMISSION

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Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act

Comment On: EBSA-2010-0014-0001

Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act

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General Comment

Comment # 1 -

If an insurance company forces an employer to decrease benefits on their existing group health/medical insurance program, which benefit decreases are more than what is allowed in this Rule for the employer to retain "grandfathered" plan status, does an employer have to forfeit grandfathered status?

Example: ABC Company has a PPO plan through XYZ Insurance. XYZ Insurance informs ABC Company that on their next policy anniversary which is set for 9/1/10, ABC Company will have to increase their Emergency Room Copayment from \$75 to \$150.

This change is greater than the allowed fixed cost share increase in this Rule, but the employer, ABC Company, had no choice/decision in the matter. Their insurance carrier forced them to decrease their benefits.

It is my opinion that an employer should not lose "grandfathered" status because of a forced/mandated benefit decrease imposed by the insurance company.

Comment # 2

Example:

An employer offers an HMO and a PPO program through the same insurance company, MNO Insurance Co. If the employer makes a benefit plan change to their PPO plan that causes the PPO plan to lose "grandfathered" status, does the HMO plan automatically lose "grandfathered" status as well? In this example, assume the employer makes no plan changes at all to the HMO and continues offering the PPO plan as an option to their employees, but with reduced benefits on the PPO plan.